

25. (New) A kit for use in performing an electrochemiluminescent assay for an analyte of interest, which comprises a plurality of solutions each including a different amount of a compound which comprises the compound of claim 3.

### REMARKS

Claims 3-4 and 9-25 are currently pending. Claims 19-22, which were submitted in Applicants' Preliminary Amendment, were renumbered as claims 9-12 by the Examiner. Claim 9 has been amended to depend from claim 3. Applicants have also added new claims 13-25, all of which depend from claims 3 or 4. Thus, all of these claims are related to the same subject matter.

Applicants have elected, with traverse, the claims of Group II (i.e., claims 3-4) for prosecution on the merits. It is respectfully requested that the restriction requirement be favorably reconsidered and withdrawn.

In view of the fact that the present claims are all related to the same subject matter, it is submitted that a search of the prior art when examining the elected claims of Group II (claim 3-4) would, at the same time, result in a search of the prior art when examining the claims of Group V (claims 9-12). These claims are all directed to compounds which comprise an electrochemiluminescent label linked to a coreactant. Moreover, claim 9 has been amended to depend upon claim 3, and therefore fully includes the limitations of claim 3. It would seem, then, that to require the filing of a separate divisional application directed to the Group V claims would result in the very same search being repeated, but at a later date. It is submitted that this duplicate search would be quite inefficient to the operation of the Patent and Trademark Office. Therefore, withdrawal of this particular restriction requirement is respectfully requested.

Additionally, with respect to the restriction requirements relating to Groups I, III and IV, it is believed that a search of the compound would also encompass a search for methods

using the same and kits or systems containing the same. Therefore, Applicants respectfully submit that this aspect of the restriction is also improper and should be withdrawn.

Therefore, since a single search can be performed for all Groups of claims without any significant burden on the Patent Office, it is respectfully requested that the restriction requirement be withdrawn.

No new matter has been added.

If there are any issues which would remain to prevent this application from proceeding to allowance, the Examiner is respectfully requested to contact the Applicants' undersigned attorney to discuss the matter.

No fee is believed due. The Commissioner is authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-0540.

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**Exhibit A**  
**Marked Up Version Of Amended Claim 9**  
**(Deletions bracketed, additions underlined)**

9. [A] The compound of claim 3 [comprising an electrochemiluminescent label linked to a coreactant, said compound] having the formula:

